IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 14th day of February 2005
Bail application no. 1090 of 2004
Order on the bail application of accused

CRIMINAL SIDE

Ashadh Singh
S/o Shri Charan Singh
R/o Gali No.8
Geeta Nagar
I.D.P.L. Rishikesh
District Dehradun .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of Case Crime No. 455 of 2004
Under Section 302 I.P.C. registered on the basis of
Information report dated 16.11.2004 at
Police Station Rishikesh
District Dehradun

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 455 of 2004 under Section 302 I.P.C. registered at Police Station Rishikesh, District Dehradun.

Heard Sri Ramji Srivastava learned counsel for the applicant, Sri Navnit Kaushik learned counsel for the complainant, learned A.G.A. and perused the record.

The applicant has alleged that he was driving the car at the time of commission of the crime. This fact has not been specifically controverted from the side of the prosecution in the counter affidavit.

As per the prosecution case, four persons were sitting in the Indica car which was being driven by the driver and there is one gun shot injury in the person of the deceased.

Without commenting on the merits of the case, I am of the view that the applicant is entitled to be released on bail at this stage.

Let the applicant Ashadh Singh be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

B.C. Kandpal, J.

14.02.2005
ASWAL